

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PULTE HOMES OF NEW MEXICO,
INC., a Michigan corporation; PULTE
DEVELOPMENT NEW MEXICO, INC., a
Michigan corporation,

Plaintiffs,

v.

CINCINNATI INDEMNITY COMPANY,
an Ohio corporation; THE CINCINNATI
INSURANCE COMPANY, an Ohio
corporation; THE CINCINNATI
CASUALTY COMPANY, an Ohio
corporation; HDI GLOBAL SPECIALTY SE
fka INTERNATIONAL INSURANCE OF
HANNOVER, a New York corporation;
SENTINEL INSURANCE COMPANY,
LTD, a Connecticut corporation;
GUIDEONE NATIONAL INSURANCE
COMPANY, an Iowa corporation;
COLORADO CASUALTY COMPANY, a
New Hampshire corporation; OHIO
SECURITY INSURANCE COMPANY, a
New Hampshire corporation; DONEGAL
MUTUAL INSURANCE COMPANY fka
MOUNTAIN STATES MUTUAL
CASUALTY COMPANY, a Pennsylvania
corporation; ACE AMERICAN
INSURANCE COMPANY, a Pennsylvania
corporation; FIRST MERCURY
INSURANCE COMPANY, a Delaware
corporation; CENTURY SURETY
COMPANY, an Ohio corporation; UNITED
SPECIALTY INSURANCE COMPANY, a
Delaware corporation; GEMINI
INSURANCE COMPANY, a Delaware
corporation; PELEUS INSURANCE
COMPANY, a Virginia corporation;
AMERICAN HALLMARK INSURANCE
COMPANY OF TEXAS, a Texas
corporation; CENTRAL MUTUAL
INSURANCE COMPANY, an Ohio
corporation; SOUTHERN INSURANCE

CIVIL NO. 1:22-cv-00388-MV-SCY

COMPANY, a Texas corporation;
NATIONAL FIRE INSURANCE
COMPANY OF HARTFORD, an Illinois
corporation; NATIONAL UNION FIRE
INSURANCE COMPANY OF
PITTSBURGH, PA, a Pennsylvania
corporation; STARR INDEMNITY &
LIABILITY COMPANY, a Texas
corporation; ENDURANCE AMERICAN
INSURANCE COMPANY, a Delaware
corporation; CLARENDON NATIONAL
INSURANCE COMPANY, as successor in
interest by way of merger with Sussex
Insurance Company fka as Companion
Property and Casualty Insurance Company, a
Texas corporation; KNIGHT SPECIALTY
INSURANCE COMPANY, a Delaware
corporation; FEDERATED MUTUAL
INSURANCE COMPANY, a Minnesota
corporation,

Defendants.

AND RELATED COUNTERCLAIM

ORDER

This matter comes before the Court on the Stipulation to Dismiss Plaintiffs' Claims Against Defendant Donegal Mutual Insurance Company fka Mountain States Mutual Casualty Company (ECF 1) and Defendant's Counter-Claim Against Plaintiffs (ECF 76), filed on December 19, 2022 (ECF 157) ("Stipulation"). The Court construes the Stipulation as a motion to dismiss, and finds that the motion is well-taken and should be granted.

IT IS ORDERED that Plaintiffs' claims asserted against Defendant Donegal Mutual Insurance Company fka Mountain States Mutual Casualty Company, in the instant matter, Case No. 1:22-cv-00388-MV-SCY, and any other claims that could have been asserted, are dismissed with prejudice. Additionally, Defendant/Counter-Claimant Donegal Mutual Insurance Company fka Mountain States Mutual Casualty Company's claims against Plaintiffs/Counter-Defendants Pulte Homes of New Mexico, Inc. and Pulte Development New Mexico, Inc. in Counter-

Claimant's Counterclaim for Declaratory Judgment, and any other claims that could have been asserted, are dismissed with prejudice (ECF 76). Each party shall bear their own attorneys' fees and costs.

DATED: December 20, 2022



MARTHA VAZQUEZ
Senior United States District Judge